

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23992 of 2004

Between:

M/s. Shobha Rice and Oil Mill, Huzurabad, Karimnagar District. Rep. by its
Proprietor, Sheela Raja Mouli, S/o. Raja Veeru, aged about 72 Years, occ:
Business, R/o. Huzurabad, Karimnagar District.

..... PETITIONER

AND

- 1 The District Collector (C.S), Karimnagar, Karimnagar District.
- 2 The District Supply Officer, Karimnagar, Karimnagar District.
- 3 The District Manager, Food Corporation of India, Karimnagar, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in refusing to accept Mill Levy from the Petitioner Rice Mill even though the Rice offered by the Petitioner towards Mill Levy is within standard specification prescribed by the 3rd respondent, on the ground that the W.P.No. 14590/2002 filed by the petitioner is dismissed by this Honourable Court by Order Dated 15-04-2003 as illegal, arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.3: Mr.B.Anjaneyulu, S.C. for F.C.I.

The Court at the stage of admission made the following ORDER:

The grievance of the petitioner is that the third respondent is not accepting the rice offered by it, towards Mill Levy. It is alleged that though the petitioner fulfilled all the requirements and conformed to the specifications, the third respondent is not accepting the rice.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

At the admission stage, the matter was adjourned to enable the learned standing counsel for the third respondent to obtain instructions.

Sri B.Anjaneyulu, learned standing counsel for the third respondent, submits that refusal by the Food Corporation of India (for short the 'FCI') to accept the rice offered by the petitioner was on the ground that it failed to produce the certificates to the effect that it paid minimum support price to the farmers, while purchasing the paddy. The only objection raised by the third respondent for receiving the paddy from the petitioner is that the petitioner did not produce the certificates to prove that it paid the minimum support price to the farmers. The FCI has undertaken purchase of rice only with a view to ensure that the farmers are paid the minimum support price and there is no accumulation of stock with them. By its very nature, the paddy has to be routed to the F.C.I. through the rice millers, after conversion of the same into rice. Unless the farmers, who supply the paddy, are paid the minimum support price, the F.C.I. cannot be compelled to purchase the result rice.

The petitioner contends that respondents 1 and 2, who are empowered to issue such certificates, are not issuing the same.

Hence, the writ petition is allowed directing that as and when the petitioner approaches respondents 1 and 2 for issuance of MSP certificates, they shall examine the matter and issue such certificates without further delay, on being satisfied about payment of the MSP. The third respondent, in turn, shall be under obligation to accept the Mill Levy from the petitioner, if, the levy covered by MSP certificates. No order as to costs.

27-12-2004

Note: Issue C.C. by three days.

(B/o)

kdl

To

- 1 The District Collector (C.S), Karimnagar, Karimnagar District.
- 2 The District Supply Officer, Karimnagar, Karimnagar District.
- 3 The District Manager, Food Corporation of India, Karimnagar, Karimnagar District.
- 4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).
- 5 Two C.D. Copies.